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11 Attorneys for Plaintiffs
12 FRIENDS OF THE EEL RIVER, CALIFORNIA
TROUT and TROUT UNLIMITED

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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
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19 FRIENDS OF THE EEL RIVER; PACIFIC
20 COAST FISHERMEN'S ASSOCIATIONS;
INSTITUTE FOR FISHERIES RESOURCES;
21 CALIFORNIA TROUT; and TROUT
UNLIMITED,

22 Plaintiffs,

23 v.

24 PACIFIC GAS AND ELECTRIC COMPANY,

25 Defendant.

Case No. 3:23-cv-02379-JD

**STIPULATION TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES**

Fed. R. Civ. Proc. 26

Assigned for all purposes to the
Hon. James Donato

Case Filed: May 16, 2023

Case Management Conference Date:
September 28, 2023 at 10:00 a.m.

Trial Date: None set

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiffs Friends of the Eel River, Pacific
2 Coast Federation of Fishermen's Associations, Institute for Fisheries Resources, California
3 Trout, and Trout Unlimited (Plaintiffs) and Defendant Pacific Gas and Electric Company
4 (Defendant) (collectively, the parties), by and through their respective counsel of record, hereby
5 stipulate as follows:

6 WHEREAS, Plaintiffs filed a complaint in this action on May 16, 2023 (Dkt. No. 1);

7 WHEREAS, by Order dated June 1, 2023 (Dkt. No. 12), this matter was reassigned to
8 Judge Donato following the filing of a declination to proceed before a US Magistrate Judge by
9 the Plaintiffs;

10 WHEREAS, by Order dated June 8, 2023 (Dkt. No. 14), the Court scheduled a Case
11 Management Conference for August 24, 2023 at 10:00 A.M., in Courtroom 11, 19th Floor,
12 United States Court House, 450 Golden Gate Avenue, San Francisco, CA 94102;

13 WHEREAS, by Order dated July 27, 2023 (Dkt. No. 26), the Court approved the parties'
14 stipulation (Dkt. No. 16), continued the Case Management Conference to September 28, 2023,
15 at 10:00 A.M., extended the deadline for Defendant to file a responsive pleading to September 8,
16 2023, and approved a briefing schedule for any Rule 12(b) motion that may be filed by
17 Defendant;

18 WHEREAS, counsel for the parties to this action have continued to meet and confer in a
19 good-faith effort to reach agreement on mutually convenient deadlines and other procedural
20 matters without occasioning undue delay;

21 WHEREAS, the parties met and conferred on August 24, 2023, at which meeting
22 Defendant stated that it would be filing a Rule 12(b) motion to dismiss this action in accordance
23 with the deadlines and schedule set forth in this Court's July 27, 2023 Order (Dkt. No. 26);

24 WHEREAS, if the initial case management conference is held on September 28, 2023,
25 the parties must hold an initial discovery conference pursuant to Federal Rule of Civil Procedure
26(f) no later than September 7, 2023; initial disclosures pursuant to Federal Rule of Civil
27 Procedure 26(a)(1) would be due within 14 days of the parties' Rule 26(f) conference, i.e., on
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1 September 21, 2023; and the parties' Joint Case Management Statement and discovery plan
2 would be due on September 21, 2023;

3 WHEREAS, pursuant to Federal Rule of Civil Procedure 16(b)(2) and (4), Civil Local
4 Rule 16-2(e), and this Court's standing orders, the Court may approve a stipulation to continue
5 an initial case management conference for good cause;

6 WHEREAS, good cause exists to continue the initial case management conference until
7 after the Court has ruled on Defendant's Rule 12(b) motion to dismiss. Resolution of
8 Defendant's dispositive motion will likely inform the need for and scope of the parties' Rule
9 26(f) conference, initial disclosures, and the contents of the Joint Case Management Statement
10 and discovery plan. Continuing the initial case management conference will also permit the
11 parties to avoid potentially unnecessary time and expense associated with preparing for and
12 holding the Rule 26(f) conference, developing a discovery plan, and preparing a joint case
13 management statement before Defendant's Rule 12(b) motion to dismiss can be heard and
14 decided;

15 WHEREAS, the parties wish to continue the initial case management conference and all
16 related deadlines until 45 days after Defendant has filed an answer to the complaint following an
17 order from this Court resolving Defendant's Rule 12(b) motion to dismiss, or until a date
18 convenient for the Court;

19 WHEREAS, the parties are not seeking any modification to the briefing schedule for
20 Defendant's Rule 12(b) motion to dismiss established in this Court's July 27, 2023 Order (Dkt.
21 No. 26);

22 WHEREAS, the parties aver in accordance with Civil Local Rule 6-2(a)(3) that a second
23 continuance of the initial case management conference will affect the overall schedule of this
24 case, insofar as all further proceedings will be delayed until the Court rules on Defendant's Rule
25 12(b) motion to dismiss and a trial date would not be set until after Defendant's motion is heard
26 and decided.

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1 NOW THEREFORE, and subject to the approval of the Court as provided below, the
2 parties to this action, by and through their respective counsel of record, hereby stipulate to the
3 following:

4 1. The Court continues the initial case management conference to the next available
5 hearing date that is at least 45 days after Defendant files an answer to the complaint following
6 an order from this Court resolving Defendant's Rule 12(b) motion to dismiss, or until a date
7 convenient for the Court.

8 2. The Court continues all deadlines based on the initial case management
9 conference date accordingly.

10 Respectfully submitted,

11 DATED: September 5, 2023 EARTHJUSTICE

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13 By: /s/ Anna K. Stimmel
14 ANNA K. STIMMEL
15 KATRINA A. TOMAS

16 Attorneys for Plaintiffs
17 PACIFIC COAST FEDERATION OF
18 FISHERMEN'S ASSOCIATIONS and
19 INSTITUTE FOR FISHERIES RESOURCES

20 DATED: September 5, 2023 SHUTE, MIHALY & WEINBERGER LLP

21
22 By: /s/ Kevin P. Bundy
23 KEVIN P. BUNDY
24 MATTHEW S. MCKERLEY

25 Attorneys for Plaintiffs
26 FRIENDS OF THE EEL RIVER, CALIFORNIA
27 TROUT and TROUT UNLIMITED

1 DATED: September 5, 2023

HOGAN LOVELLS US LLP

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3 By: /s/ J. Tom Boer

4 J. TOM BOER

5 OLIVIA MOLODANOF

6 Attorneys for Defendant

PACIFIC GAS AND ELECTRIC COMPANY

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8 **ATTESTATION**
(Civ. L.R. 5-1(h)(3))

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10 I hereby attest that each signatory indicated by a conformed signature (/s/) within this e-
11 filed document has concurred in the filing of this document. I further attest that I have, and will
12 maintain, records to support this concurrence in accordance with Civil Local Rule 5-1(i)(3).

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14 DATED: September 5, 2023

SHUTE, MIHALY & WEINBERGER LLP

15

16 By: /s/ Kevin P. Bundy

17 KEVIN P. BUNDY

18 MATTHEW S. MCKERLEY

19 Attorneys for Plaintiffs

20 FRIENDS OF THE EEL RIVER, CALIFORNIA

21 TROUT, and TROUT UNLIMITED

1 PURSUANT TO STIPULATION, IT IS ORDERED THAT:

2 1. The Court continues the initial case management conference to the next available
3 hearing date that is at least 45 days after Defendant files an answer to the complaint following
4 an order from this Court resolving Defendant's Rule 12(b) motion to dismiss, or until
5 _____.

6 2. The Court continues all deadlines based on the initial case management
7 conference date accordingly.

9 | DATED: _____, 2023

HON. JAMES DONATO
United States District Judge

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